

**REMARKS**

Applicants have amended the specification to reference the prior filed applications from which the instant application claims benefit. Applicants respectfully contend that the requirements for submitting such an amendment under 37 C.F.R. §1.78(a)(2)(ii) and (a)(3) should be waived because the U.S. PTO has recognized the claim for benefit on both the Filing Receipt and on the cover page of the related U.S. Patent Application Publication (copies of which are attached). Applicants note that the Notice on Claiming the Benefit of Prior-Filed Applications from Deputy Commissioner Stephan Kunin dated February 24, 2003 specifically states that the requirements under 37 C.F.R. §1.78(a)(3)(ii) and (iii) will be waived if the "information concerning the claim was recognized by the Office as shown by its inclusion on the filing receipt."

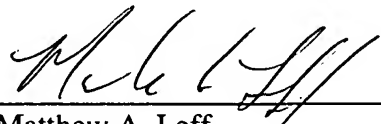
Claims 1-34 are pending in the instant application. The Examiner has stated that restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. The compounds and compositions according to Claims 1-8; and
- II. The methods of treating according to Claim 9-34.

Applicants elect the inventions of Group I.

Applicants respectfully contend that Claims 1-8 as filed are allowable and an early Notice of Allowance is earnestly solicited. Moreover applicants reserve to right to file divisional applications with respect to the non-elected subject matter (Group II). If a telephonic communication with Applicant's representative will aid in the advancement of the prosecution of this application, please telephone the representative indicated below.

Respectfully submitted,

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Date: April 13, 2006



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| 10/607,031 | 06/26/2003                | 1645     | 1002          | 21148           | 2        | 33       | 1        |

CONFIRMATION NO. 5631

000210  
MERCK AND CO INC  
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RAHWAY, NJ 070650907

FILING RECEIPT



\*OC000000010908419\*

Date Mailed: 11/13/2003

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

**Applicant(s)**

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**Domestic Priority data as claimed by applicant**

This appln claims benefit of 60/398,236 07/24/2002

**Foreign Applications**

If Required, Foreign Filing License Granted: 09/17/2003

Projected Publication Date: 01/29/2004

Non-Publication Request: No

Early Publication Request: No

**Title**

Active salt forms with tyrosine kinase activity



Preliminary Class

514

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Title 37, Code of Federal Regulations, 5.11 & 5.15**

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